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State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Steven R. Kanugh, D.D.S.
Respondent
Case No. 93 DEN 002

FINAL DECISION AND ORDER

The parties to this action for purposes of s. 227.53, Stats., are:

Steven R. Kanugh, D.D.S.
3404 West Minnesota Avenue
Franklin WI 53132

Dentistry Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties in this matter agree to the terms and conditions of the attached stipulation as the final decision of this matter. Accordingly, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. Steven R. Kanugh, D.D.S., the respondent herein, is licensed in the state of Wisconsin to practice dentistry. Dr. Kanugh was first licensed on June 25, 1987, and he practices in Milwaukee, Wisconsin, at 2700 West Lincoln Avenue.
2. On January 7, 1993, Patient R.V. went to Dr. Kanugh's office for an initial visit as a new patient, never before having been seen in the practice as a patient.

3. Before Dr. Kanugh examined Patient R.V. or made any dental diagnosis, Patient R.V. was treated by a licensed dental hygienist under the direction of Dr. Kanugh. Only after the licensed dental hygienist performed a complete dental prophylaxis did Dr. Kanugh perform a dental examination of Patient R.V.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07, Stats.
2. By failing to perform a complete dental examination, make a diagnosis, and formulate a treatment plan before permitting the performance of a dental prophylaxis on patient R.V. by a person under his control, Dr. Kanugh violated s. 447.07(3)(a), Stats., and s. DE 5.02(5), Wis. Admin. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that Steven R. Kanugh, D.D.S., be and hereby is REPRIMANDED effective on the date of this Order.

Dated this 6th day of *September*, 1995.

WISCONSIN DENTISTRY EXAMINING BOARD

Thomas G. Brandt, DDS
A member of the Board

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Steven R. Kanugh, D.D.S.
Respondent
Case No. 93 DEN 002

Stipulation

It is hereby stipulated between Steven R. Kanugh, D.D.S., personally and on his own behalf, with advice of counsel W. Patrick Sullivan, and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending proceedings concerning Dr. Kanugh's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Dentistry Examining Board for its consideration and adoption.

2. In resolution of these proceedings, Dr. Kanugh consents to the entry of the attached Final Decision and Order.

3. Dr. Kanugh is aware of and understands each of his rights, including:

- * the right to a hearing on the allegations against him, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
- * the right to confront and cross-examine the witnesses against him,
- * the right to call witnesses on his own behalf and to compel their attendance by subpoena,
- * the right to testify himself,
- * the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
- * the right to petition for hearing,
- * the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
- * all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

4. Dr. Kanugh is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

Steven R. Kanugh
Steven R. Kanugh, D.D.S.

8-16-95
Date

W. Patrick Sullivan
W. Patrick Sullivan
Godfrey, Braun & Hayes
Attorneys for Dr. Kanugh

8-14-95
Date

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

August 18, 1995
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN DENTISTRY EXAMINING BOARD.

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

SEPTEMBER 11, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)